

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 27 AUG 2004



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Applicant's or agent's file reference 20077WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NL 03/00540	International filing date (day/month/year) 24.07.2003	Priority date (day/month/year) 08.08.2002	
International Patent Classification (IPC) or both national classification and IPC C08K5/3465			
Applicant DSM IP ASSETS B.V. et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 18.02.2004	Date of completion of this report 26.08.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Kaul-Buchberger, E Telephone No. +49 89 2399-8296 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NL 03/00540

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-13 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

- 2. Citations and explanations**
see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1 = EP-A-0796886

- 2.1. Document D1, which is considered to represent the most relevant state of the art, discloses (cf. example 1) a polyamide composition comprising nylon 6, nigrosine, aniline black and carbon black. Furthermore, D1 discloses (page 4, line 47) that the polyamide composition may contain fibrous reinforcing materials. The polyamide composition is suitable for the production of moulded plastic products in the field of parts of automobiles, electric and electronic products (page 2, lines 5-6) e.g. by injection moulding (examples).
- 2.2. The subject-matter of independent claims 1 and 8-12 differs from the disclosure of D1 in that a branching agent having functional groups that can react with functional groups of the polyamide is present.
- 3.1. The examples show that an increasing amount of branching agent leads to an increasing melt viscosity.
Therefore, the objective technical problem solved by the aforementioned distinguishing feature is to provide polyamide compositions with increased melt viscosity.
- 3.2. An obvious way to solve said problem is to add a branching agent having functional groups that can react with functional groups of the polyamide.
- 3.3. Therefore, the subject-matter of independent claims 1 and 8-12 does not meet the requirements of Article 33(3) PCT.
- 3.4. The additional features of dependent claims 2-7 and 13 are conventional and, thus, said claims do not meet the requirements of Article 33(3) PCT.

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4. The arguments of the Applicant are not convincing for the following reasons:
The subject-matter of independent claims 1 and 8-12 differs from the disclosure of the Japanese document (JP-A-2000-61983) cited by the Applicant in the application in the same distinguishing feature (the presence of a branching agent having functional groups that can react with the functional groups of the polyamide) as document D1. Therefore, D1 is a suitable starting point for the assessment of inventive step and, thus, the assessment of inventive step of the written opinion is still valid.
Moreover, in D1 as well as in the aforementioned Japanese document moulded plastic products in the field of parts of automobiles are produced by injection moulding.
Furthermore, it should be noted that it is necessary for a branching agent to react with the polymer to be branched.
5. For all claims (1-13) industrial applicability is acknowledged.